

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HEIDI SEEKAMP, On Behalf of Herself and all Others :
Similarly Situated, :
Plaintiff, :
- against - :
IT'S HUGE, INC., *et. al.* :
Defendants. :

AFFIDAVIT

**Civil Action No. 1:09-CV-00018
(LEK/DRH)**

STATE OF NEW YORK)
) : ss:
COUNTY OF SCHENECTADY)

Edward Noxon, being duly sworn, deposes and says that:

1. I am employed in the maintenance department at Fuccillo Lincoln Mercury, Schenectady, New York ("FLM"), and have been for 23 years.

2. I am both familiar with the process by which etch is applied to automobiles and experienced in actually applying etch to vehicles. I have been asked to make this affidavit to describe the process by which FLM used to etch vehicle identification numbers onto automobiles under the Auto Theft Security Discount Program ("ATSD").

3. Etch is applied by making markings in the lower corners of each of the four vehicle windows, as well as the front and back windshields. This acid-based process results in a series of letters and/or numbers being etched into the glass. The letters and numbers are distinct to each vehicle and visible to the naked eye.

4. I reviewed the etch markings on Heidi Seekamp's vehicle on Thursday, August 12, 2010. I performed the examination in the parking lot at 13 Columbia Circle, Albany, New York, in the presence of Ms. Seekamp, her son, and her attorney, Sergei Lemberg.

5. Also in attendance were my son and the attorneys for Fuccillo, William Hurst, Matthew J. Kelly, and Amanda Twinam.

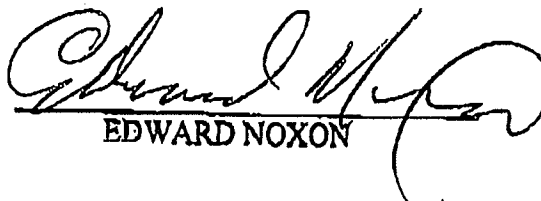
6. On this particular vehicle, I saw the etch number on each of the 4 side windows and on the rear windshield. Photographs of these numbers were taken and are attached hereto as Exhibit 1. Because the etchings are made on the vehicle's windows, they are deliberately made unobtrusive so as not to interfere with the driver's visibility. As a result, they do not reflect well on photographs. However, I have reviewed these photographs and affirm that they reflect the locations of the etchings.

7. The etch marking is visible on Exhibit 1. It consists of the following series of letters and numbers: DIS0319863. This same information appeared on the driver's side passenger window, the rear windshield on the driver's side, as well as both windows on the passenger's side. The rear windshield number was slightly obscured by the college sticker on the photograph.

8. The front windshield is a replacement product and therefore does not contain the etch. I know the front windshield has been replaced because it does not contain the original stamping from the Hyundai factory. Despite the fact that the etch does not currently appear on the windshield, I can affirm that it would have been on the original windshield since it does appear on the other five windows.

9. Attached hereto as Exhibit 2 is the invoice from Plaintiff's vehicle, which was obtained from FLM's business records, showing how much the window etch cost in labor and

parts. At Fuccillo, our maintenance staff was required to, and did, prepare an invoice similar to this one for each etch application, copies of which were then routinely stored and kept in the ordinary course of FLM's business.


EDWARD NOXON

Sworn to before me this
28 day of February, 2011.



Notary Public-State of New York

KATHLEEN P. GRANT
Notary Public - State of New York
No. 01GR6113432
Qualified in Montgomery County
My Commission Expires July 26, 2012.